

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Inquiry Concerning the Deployment of Advanced)	
Telecommunications Capability to All Americans)	GN Docket No. 11-121
in a Reasonable and Timely Fashion, and Possible)	
Steps to Accelerate Such Deployment Pursuant to)	
Section 706 of the Telecommunications Act of)	
1996, as Amended by the Broadband)	
Improvement Act)	

REPLY COMMENTS OF SPRINT NEXTEL CORPORATION

Sprint Nextel Corporation (“Sprint”) submits these reply comments in response to the Federal Communications Commission’s (“Commission” or “FCC”) above-captioned Notice of Inquiry that requests input for its Eighth Broadband Progress Report.¹ The Commission seeks comments that will help it make a determination as to “whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion” in compliance with Section 706 of the Telecommunications Act of 1996, as amended.²

I. Broadband Is Being Deployed In A Reasonable And Timely Basis

Sprint agrees with the majority of commenting parties that broadband service is being deployed in “a reasonable and timely fashion.” This conclusion is based in large part on the widespread deployment and adoption of mobile broadband services throughout the country and the high value users now place on mobility. Commenting parties therefore call for the

¹ *Eighth Broadband Progress Notice of Inquiry* (“*Inquiry*”), GN Docket No. 11-121 (August 5, 2011).

² 47 U.S.C. § 1302(b).

Commission to include mobile broadband services in its upcoming analysis.³ If the Commission fails to include wireless broadband in its Eighth Report, it will significantly understate the number of households and individuals served by broadband services.

The Commission must acknowledge in its next report that the speed of mobile broadband services has increased significantly with the spread of 4G technology and that mobile broadband services is now used for applications and activities that previously required other types of broadband service. Sprint, like other mobile broadband service providers, has rapidly upgraded and expanded deployment of 4G technology. Since the request for input for the Seventh Broadband Progress Report on August 6, 2010, Sprint, in conjunction with Clearwire, has invested heavily in its mobile broadband infrastructure to provide its Fourth Generation or “4G” WiMax mobile broadband service to 71 markets across the U.S. Sprint’s 4G broadband service provides its customers with high-speed mobile internet access with maximum download speed of 6 Mbps and a maximum upload speed of 1.5 Mbps. This falls well within the definition of broadband service used by the Commission in its previous report: 6 Mbps/1Mbps. Where 4G broadband speed is not available, Sprint offers 3G service with a maximum download speed of 1.5 Mbps and upload speed of 768 kbps. Because mobile broadband coverage offered by Sprint and others is continuing to expand and the adoption of “smartphone” technology is rapidly growing, it is important for the Commission to assess the availability of mobile broadband service in future Broadband Progress Reports.

II. Sufficient Quality Data is Available to the Commission.

To support the conclusion that broadband is being deployed in a reasonable and timely manner, several commenting parties rely on the Commission’s own detailed analyses. In

³ See, e.g., Comments of AT&T at 4, Comments of Comcast at 8, Comments of CTIA at 3, Comments of MetroPCS at 2, Comments of TIA at 16, Comments of U. S. Telecom at 13, Comments of Verizon at 2.

particular commenting parties refer to the Commission's finding in its *Connecting America: The National Broadband Plan* that 95% of Americans in the U.S. have access to terrestrial, fixed terrestrial broadband service with download speed of at least 4 Mbps.⁴ And others refer to the Commission's finding that 98% of Americans live in census blocks that have 4G and 3G mobile services available to them,⁵ and that 82% of Americans are covered by 3 or more advanced network providers. Based on the results of the significant analyses that the Commission has undertaken, the Commission now has sufficient quality data available to determine that broadband is being deployed and the progress of broadband deployment.

Sprint agrees with Verizon that use of the State Broadband Data and Development ("SBDD") Data produced for the NTIA mapping project is appropriate to use in the Commission's analyses to determine the annual progress of broadband deployment.⁶ Broadband service providers have updated these data four times since January 2010, and are now experienced in producing timely and accurate data twice each year. The reliability of the data likely will continue to improve with each successive update. Thus, Sprint concurs with the Commission's view that it "will be able to rely on more accurate and improved SBDD Data, which will then allow us to better assess broadband deployment."⁷

The use of SBDD data is particularly useful to analyze mobile broadband services because the SBDD Data provides information about where mobile services are available to customers, and not just where they subscribe to broadband mobile service. CTIA points out that services are available not only where subscribers reside, but also where they don't, including

⁴ Comments of Verizon at 8.

⁵ Comments of CTIA at 3 and MetroPCS at 11, citing the Fifteenth Wireless Competition Report at Para. 46.

⁶ Comments of Verizon at 15.

⁷ *Inquiry* at ¶ 9.

highways, parks, airports, entertainment venues, etc.⁸ The subscribership data drawn from the Form 477 can be used to further understand and validate conclusions concerning deployment made by the Commission based on the SBDD data.

Given that the substantial amount of data currently available to the Commission, no additional burden should be placed on the broadband service providers to collect, produce and file new reports. Detailed data reports are costly for the carriers to prepare and produce, thus the benefit of any additional mandated data reporting must be weighed against the cost to carriers to produce them.⁹

Contrary to the comments of the Southeast Association of Telecommunications Officers and Advisors (“SEATOA”) the Commission should maintain the confidentiality of the Form 477 data provided by broadband service providers.¹⁰ Carriers currently file both their Form 477 data and their SBDD data with the request for confidential treatment. For the Form 477 data, carriers certify that the information is privileged and confidential and that disclosure of such information would likely cause substantial harm to the competitive position of the carrier. In light of the highly confidential nature of the submitted data, the Commission must not reverse its policy and must not permit confidential proprietary data to be made available to the public.

III. Actions to Accelerate Deployment

In its *2011 Seventh Broadband Progress Report*, the Commission determined that broadband was “not being deployed to all Americans in a reasonable and timely manner.” Therefore, pursuant to Section 706, the Commission must “take immediate action to accelerate deployment of such capability by removing barriers to infrastructure investment and by

⁸ Comments of CTIA at ii.

⁹ Verizon also urges the Commission to refrain from requiring additional information in the Form 477 at p. 16.

¹⁰ See Comments of SEATOA at 10-11.

promoting competition in the telecommunications market.”¹¹ Specifically, the Commission “found that removing barriers to investment requires removing obstacles to deployment, competition, and adoption, which are all interrelated and tightly linked.”¹² Several commenting parties applaud the FCC for the actions it has taken in this regard. These actions included reforming the rules regarding utility poles, requiring data roaming, and the relocation of Broadcast Auxiliary Service (“BAS”) to free up spectrum for mobile broadband capabilities.¹³ Sprint strongly supports actions such as these that remove obstacles to broadband deployment and spur competition among broadband service providers.

To further promote competition and accelerate broadband deployment, Sprint supports comprehensive reforms to modernize the universal service fund and the intercarrier compensation system. Such reform should provide a transition from legacy regulation subsidizing public switched network carriers and monopoly access revenues, to a system that encourages the expeditious transition to a new regulatory paradigm that promotes investment in a future IP interconnection network.¹⁴ Support mechanisms must be carefully targeted, competitively neutral and explicit, so as to promote competition and encourage deployment of efficient IP networks. There is no better way to encourage deployment than to encourage vigorous competition among service providers. To this end, the Commission should transition the high-cost USF support mechanism away from legacy circuit-switched networks towards IP broadband networks. Suppliers with market power should be prohibited from inflating the prices of services required by broadband providers to serve consumers. The Commission should also

¹¹ 47 U.S.C. § 1302(b).

¹² *Inquiry* at ¶28.

¹³ See CTIA Comments at 26-27, and MetroPCS Comments at 14.

¹⁴ See, e.g., Comments of Sprint Nextel Corporation filed in WC Docket 10-90, August 24, 2011.

develop Universal Service Fund programs that will enable those consumers that cannot afford broadband service to obtain access to such services.

Finally, competition will be substantially diminished if the proposed merger of AT&T and T-Mobile is allowed. The acquisition of T-Mobile by AT&T will result in the wireless industry regressing toward a 1980's style duopoly, with the concomitant higher prices, fewer new devices, poorer quality services, stunted innovation, and reduced investment. No conditions will be sufficient to overcome the serious anti-competitive harms that would be caused by the approval of this merger.

Respectfully submitted,

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